



February 6, 2006

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: **Certification of CPNI Filing (February 6, 2006)**  
**EB-06-TC-060**  
**Florida Digital Network, Inc. and Southern Digital Network, Inc.;**  
**EB Docket No. 06-36**

Dear Ms. Dortch:

Florida Digital Network, Inc. ("FDN") and Southern Digital Network, Inc. ("SDN") (together and individually, the "Company"), pursuant to the Public Notice issued by the Enforcement Bureau on January 30, 2006<sup>1</sup> and the Commission rules concerning telecommunications carriers protection of the privacy of customer proprietary network information ("CPNI"),<sup>2</sup> submits this Compliance Statement and Certificate. The Company takes its responsibility to assure the confidentiality of its customers' CPNI very seriously. The Company has therefore implemented operational procedures to assure that, consistent with the Commission's rules, the confidentiality of such information is protected from disclosure. The Company is aware of the media reports regarding release of subscriber information that gave rise to the Public Notice and assures the Commission that it will review these procedures in light of those experiences to determine whether the level of its protections can be increased.

As requested by the Public Notice, the undersigned, as an officer of the Company, certifies based upon personal knowledge that the following Compliance Statement describes the operational procedures and policies implemented by the Company to ensure the privacy of its customers' CPNI in compliance with Commission's CPNI rules.

**Notice to Customers of CPNI Privacy Policy**

The Company has a written Privacy Policy with respect to CPNI that, among other things, explains and defines: (a) CPNI, (b) Company's collection, use and disclosure practices with respect to CPNI, and (c) subscribers' rights with respect to restricting the use or disclosure of

<sup>1</sup> *Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications*, WC Docket No. 05-196, Public Notice, DA 06-223 (rel. Jan. 30, 2006) ("Public Notice").

<sup>2</sup> 47 C.F.R. §64.2000, *et seq.*

LOCAL

LONG DISTANCE

INTERNET

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their CPNI. Among other protections, the Privacy Policy allows customers to restrict use of CPNI by the Company (and its affiliates, agents joint venture partners and independent contractors) to market to subscribers communications-related services that are not in the same category of services to which the customer already subscribes by electing to "opt-out" by calling Company's Customer Service Department at 1-877-433-6435 (Monday-Friday, 8am-5pm) or by e-mail at [optout@mail.fdn.com](mailto:optout@mail.fdn.com) (anytime). If a subscriber elects to opt-out, the subscriber account is flagged in the Company's electronic subscriber records management system ("Data Base"). Once a subscriber elects to opt-out, that election remains valid until the subscriber affirmatively revokes or limits such election.

The Privacy Policy is posted on Company's website located at [www.fdn.com](http://www.fdn.com). The terms and conditions of the Privacy Policy are incorporated by reference into the General Terms and Conditions of Service ("Terms of Service") executed by a subscriber upon that subscriber's initial order for service. The location of the Privacy Policy ([www.fdn.com](http://www.fdn.com)) is listed in the Terms of Service, and by executing the Terms of Service customer acknowledges having had access to and an opportunity to read the Privacy Policy.

Upon expiration of the term of customer's service agreement, which is generally 12, 24 or 36 months in duration, customer may ask or be asked to extend or renew Company's terms of service in which case an acknowledgement letter will be executed in which customer acknowledges that the Terms of Service continue to apply to the extended term.

#### **Maintenance of and Access to CPNI**

All Company employees are required to sign a non-disclosure agreement prior to employment that protects against the disclosure of Company confidential information, including CPNI. Thereafter, access to CPNI on the Company Data Base is password protected and the information that may be viewed by each employee is restricted based upon the business needs of that employee. For example, while Company executives and customer care representatives have full access to CPNI, individual Company sales representatives are only permitted access to CPNI for those subscriber accounts to which he or she has sold Company services.

In addition to its internal sales representatives, Company uses sales representatives that are independent contractors ("Independent Contractors"). Prior to performing work for Company, all Company Independent Contractors are required to execute a Sales Agent Agreement and Non-Disclosure Agreement, both of which contain terms that prohibit the disclosure of Company confidential information, including CPNI, and regulate their use of such information. Independent Contractors are provided with limited, password protected access to CPNI stored in Company's Data Base; individual contractors are only permitted access to the CPNI of those subscribers to which he or she has sold Company services.

Aside from the Independent Contractors described above, no third parties are provided with access to CPNI other than: (a) credit reporting agencies which may be provided with limited (i.e. customer name, address, amount past-due) CPNI by a Company Collections Department Representative in the event a customer account is past-due, or (b) outside marketing professionals who are provided with limited aggregate Company confidential information (under

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a non-disclosure agreement) solely for analysis and reporting purposes, under parameters Company defines, for it to better understand its customer base.

### Marketing

Should the Company seek to use CPNI for marketing efforts, the Company Data Base may be programmed to compile aggregate reports using only the CPNI of subscribers who have not elected to "opt-out".

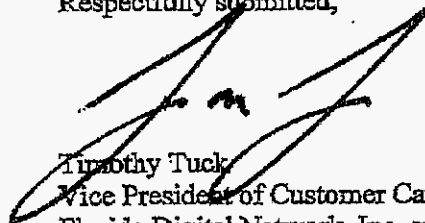
Subject to notice and consent obligations applicable to any service offerings which are outside the categories of service to which the customer has subscribed, the Company uses CPNI in its Customer Retention, Customer Care, and Marketing Groups.

**Customer Retention Group.** The Customer Retention Group uses CPNI to contact customers to offer more favorable service terms or to renew customer contracts.

**Customer Care Group.** The Customer Care Group uses CPNI in the event a customer calls into Company with a request or concern.

**Marketing Group.** The Marketing Group may use aggregate Company confidential information to guide its design of a marketing campaign or to direct mail marketing literature to its subscribers. Aside from the Independent Contractors described above, the Company does not use other independent contractors, agents or joint ventures to market its services.

Respectfully submitted,

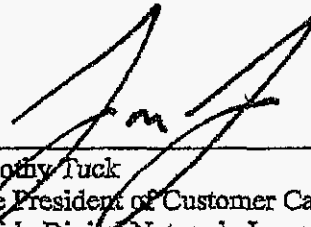


Timothy Tuck  
Vice President of Customer Care  
Florida Digital Network, Inc. and Southern  
Digital Network, Inc.

cc: Byron McCoy (FCC)  
Best Copy and Printing, Inc.

### Compliance Certificate

I, Timothy Tuck, state that I am Vice President of Customer Care of Florida Digital Network, Inc. and Southern Digital Network, Inc.; that I am authorized to submit the foregoing Certificate and Compliance Statement on behalf of both Companies; and that it is true and correct to the best of my knowledge, information, and belief.



Name: Timothy Tuck

Title: Vice President of Customer Care  
Florida Digital Network, Inc. and  
Southern Digital Network, Inc.